

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

ARIGNA TECHNOLOGY LIMITED,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.;
SAMSUNG ELECTRONICS AMERICA, INC.;
and APPLE INC.,

Defendants.

Case No. 6:21-cv-00943-ADA

JURY TRIAL DEMANDED

PUBLIC VERSION

**DECLARATION OF NOAH C. GRAUBART IN SUPPORT OF DEFENDANT
APPLE INC.'S COMBINED *DAUBERT* MOTION**

I, Noah C. Graubart, hereby declare:

1. I am an attorney at the firm of Fish & Richardson P.C., counsel of record for Defendant Apple Inc. I make this declaration in support of Apple Inc.'s Combined *Daubert* Motion. I have personal knowledge of the facts contained in the declaration and, if called upon to do so, I could and would testify competently to the matters herein.

2. Attached to this Motion as **Exhibit A** is a true and correct copy of Excerpts of the Supplemental Opening Expert Report of Dr. Danijela Cabric Regarding Infringement of U.S. Patent No. 6,603,343 and U.S. Patent No. 8,947,164, dated May 14, 2023, wherein relied-upon sections have been highlighted for reference. **(FILED UNDER SEAL)**

3. Attached to this Motion as **Exhibit B** is a true and correct copy of the Corrected Report of Dr. Andreas Groehn, dated June 1, 2023, wherein relied-upon sections have been highlighted for reference. **(FILED UNDER SEAL)**

4. Attached to this Motion as **Exhibit C** is a true and correct copy of excerpts of the Expert Report of Mr. David Kennedy, dated April 24, 2023, wherein relied-upon sections have been highlighted for reference. **(FILED UNDER SEAL)**

5. Attached to this Motion as **Exhibit D** is a true and correct copy of U.S. Patent No. 6,603,343 (Yamaguchi, et al.).

6. Attached to this Motion as **Exhibit E** is a true and correct copy of excerpts of the Deposition Transcript of Dr. Danijela Cabric, taken on May 25, 2023, wherein relied-upon sections have been highlighted for reference. **(FILED UNDER SEAL)**

7. Attached to this Motion as **Exhibit F** is a true and correct copy of U.S. Patent No. 8,947,164 (Eplett).

8. Attached to this Motion as **Exhibit G** is a true and correct copy of excerpts of the Deposition Transcript of Dr. L. Richard Carley, taken on May 26, 2023, wherein relied-upon sections have been highlighted for reference.

9. Attached to this Motion as **Exhibit H** is a true and correct copy of excerpts of the Rebuttal Expert Report of Dr. James Dickens, dated May 22, 2023, wherein relied-upon sections have been highlighted for reference. **(FILED UNDER SEAL)**

10. Attached to this Motion as **Exhibit I** is a true and correct copy of excerpts of the Deposition Transcript of David Kennedy, taken on June 2, 2023, wherein relied-upon sections have been highlighted for reference. **(FILED UNDER SEAL)**

11. Attached to this Motion as **Exhibit J** is a true and correct copy of Excerpts of Deposition of Dr. Andreas Groehn, taken on June 2, 2023, wherein relied-upon sections have been highlighted for reference. **(FILED UNDER SEAL)**

12. Attached to this Motion as **Exhibit K** is a true and correct copy of a document produced at APL-ARIGNA_01999586, which is an article entitled “Multidimension Scaling and Conjoint Analysis” published in *Marketing Research – An Applied Orientation*, Pearson – Prentice Hall, Upper Saddle River, NJ. Fifth Edition, pp. 600-91.

13. Attached to this Motion as **Exhibit L** is a true and correct copy of excerpts of the Expert Rebuttal Report of Dr. Melissa Pittaoulis, dated May 22, 2023, wherein relied-upon sections have been highlighted for reference. **(FILED UNDER SEAL)**

14. Attached to this Motion as **Exhibit M** is a true and correct excerpt from “Economic Foundations of Conjoint Analysis 2019,” by Greg M. Allenby, et al., Handbook of the Economics of Marketing, ISSN 2452-2619, <https://doi.org/10.1016/bs.hem.2019.04.002> (2019), which was marked as Exhibit 9 at the June 2, 2023 deposition of Andreas Groehn.

15. Attached to this Motion as **Exhibit N** is a true and correct copy of excerpts of the Deposition Transcript of Daniel Kong, taken on March 30, 2023, wherein relied-upon sections have been highlighted for reference. **(FILED UNDER SEAL)**

16. Attached to this Motion as **Exhibit O** is a true and correct copy of excerpts of the Deposition Transcript of James T. Yang, taken on April 5, 2023, wherein relied-upon sections have been highlighted for reference. **(FILED UNDER SEAL)**

17. Attached to this Motion as **Exhibit P** is a true and correct copy of a license agreement produced by Arigna at ARIGNA-943_00003066-3093. **(FILED UNDER SEAL)**

18. Attached to this Motion as **Exhibit Q** is a true and correct copy of excerpts of the Deposition Transcript of Gerald Padian, taken on March 22, 2023, wherein relied-upon sections have been highlighted for reference. **(FILED UNDER SEAL)**

19. Attached to this Motion as **Exhibit R** is a true and correct copy of the license agreement produced by Arigna at ARIGNA-943_00002958-3004. **(FILED UNDER SEAL)**

20. Attached to this Motion as **Exhibit S** is a true and correct copy of the license agreement produced by Arigna at ARIGNA-943_00004005-4031. **(FILED UNDER SEAL)**

21. Attached to this Motion as **Exhibit T** is a true and correct copy of excerpts of the Corrected Expert Rebuttal Report of Carrie L. Distler, dated May 22, 2023, wherein relied-upon sections have been highlighted for reference. **(FILED UNDER SEAL)**

22. Attached to this Motion as **Exhibit U** is a true and correct copy of excerpts of the Rebuttal Expert of Report of Dr. L. Richard Carley Regarding Validity of U.S. Patent Nos. 6,603,343 and 8,947,164, dated May 22, 2023, wherein relied-upon sections have been highlighted for reference. **(FILED UNDER SEAL)**

23. Attached to this Motion as **Exhibit V** is a true and correct copy of excerpts of Plaintiff Arigna's Responses and Objections to Defendant Apple Inc.'s First Set of Interrogatories, dated April 6, 2023 wherein relied-upon sections have been highlighted for reference. **(FILED UNDER SEAL)**

24. Attached to this Motion as **Exhibit W** is a true and correct copy of an agreement produced by Arigna at ARIGNA-943_00003005-3035.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 16th day of June, 2023, in Atlanta, Georgia.

By: /s/ Noah Graubart
Noah Graubart